

REMARKS

Claims 1-3 and 5-12 are pending in the application, and have been rejected. Claim 1 is amended. Favorable reconsideration of the application in view of the above amendment and following remarks is respectfully requested.

Claims 1-3 and 5-12 stand rejected under 35 U.S.C. 103(a) over Steinberg (U.S. Patent No. 7,155,070) in view of Squilla et al. (U.S. Patent No. 6,623,528). Applicants traverse the rejection as follows.

Applicants amended independent claim 1 in order to better define and distinguish the invention from Steinberg and Squilla. The amendments of Claim 1 are supported by the specification as originally filed, particularly: page 4, lines 1-2; page 5, line 10 and lines 17-21; and page 6, lines 13-14 and lines 23-31.

Claim 1 corresponds to the process described in the present application on page 6, lines 23-31. Instead of displaying on the screen 2 of the terminal 1 the whole of the digital images 22 corresponding to the digitized thumbnails 11 of a photographic index, the process of claim 1 enables the display on the screen 2 of all the alphanumeric identifiers 12 of the thumbnails 11, also called "alphanumeric thumbnail identifiers" (reference, in the present application: page 6, lines 23-25). From the display of all these thumbnail identifiers, the process enables a selection of at least one thumbnail identifier 12. Then, the digital images 22 corresponding to this at least one selected and validated thumbnail identifier 12 are displayed on the screen 2 of the terminal 1 (reference, in the present application: page 6, lines 26-29). The purpose of the process of claim 1 is that a customer can select, from the thumbnails, only the digital images of the photographic index she/he wishes to receive and display on her/his terminal (reference, in the present application: page 6, lines 29-31).

Steinberg discloses "thumbnails" and discloses that a consumer can view the thumbnails on a cell phone (reference, in Steinberg: column 2, lines 64-66; column 3, lines 3-6). Steinberg discloses that a notice that prints

are ready for pick-up can be transmitted to the cell phone with the thumbnails (reference, in Steinberg: column 3, lines 27-30). Steinberg discloses a series of messages/instructions displayed on the cell phone, such as, for instance: printing, billing, delivery options, film identification, or even optional features such as color, brightness, and size (reference, in Steinberg: column 3, line 61 to column 4, line 47; figures 3a-3c; figure 4). But Steinberg does not disclose “thumbnail identifiers” assigned to the thumbnails. “Thumbnail” is different from “thumbnail identifier. A “thumbnail” is a small image, i.e., a thumbnail comprises image data (reference, in the present application: page 3, lines 27-28), whereas a “thumbnail identifier” comprises alphanumeric characters, such as, for instance “0A” or “25” (reference, in the present application: page 4, lines 1-7; figure 2).

In Steinberg, as described in the flow chart of figure 2, and in further detail through figures 3a-3c, a consumer, with image data (low, high resolution or both) in her/his cell phone, can select images (reference, in Steinberg: column 3, lines 35-39). But, this selection is operated on the basis of the display of image data without thumbnail identifiers inherent to these image data, and this selection is operated in displaying the images one by one (see: instruction on figure 3b). Steinberg does not disclose or suggest that a plurality or a set of thumbnail identifiers are displayed simultaneously on the screen of the cell phone.

Steinberg, not only does not disclose “thumbnail identifiers,” but Steinberg teaches away from displaying together several thumbnails. Indeed, figure 3b of Steinberg shows that only “one” thumbnail appears on the screen of the cell phone (i.e., thumbnails are displayed one by one), considering the instruction “press arrow to view next image” which is displayed at the bottom of the screen.

Squilla discloses a method of constructing manually a photo collage from a hard copy of an index print. Squilla disclose that an index print is generated by a retailer with an index printer, in a form of a paper media (see, in Squilla: column 2, lines 63-65; column 5, lines 16-19); then, the index print

is sent to a customer who selects the desired images from the index print in checking a box, or in marking the thumbnail image on the index print (see, in Squilla: column 4, lines 22-25); and then, the index print is returned to the photofinisher to prepare the photocollage. Moreover, Squilla does not disclose “alphanumeric identifiers”, as in Applicants' claim 1. The process disclosed in Squilla is therefore completely different from the electronic process defined in claim 1, which is entirely performed from a unique terminal having a keyboard and a display screen.

Applicants are of opinion that one of the ordinary skill in the art would not have been capable, without showing inventiveness, to incorporate the teaching of Squilla about image identification assigned manually to thumbnails into Steinberg's invention. There is no motivation for combining a priori Squilla with Steinberg, or making a change or an extension of one or the other of these two cited prior art documents. The reason is that Steinberg only discloses that images to be printed are displayed one by one on the cell phone display; see, in Steinberg: figure 3b which shows one image and the written recommendation to view a next image. Therefore, starting from Steinberg and knowing the teaching of Squilla, one of the ordinary skill in the art would have had only the information about a selection of images made manually in marking identifiers on a hard copy of a photographic index. This ordinary skill in the art would have found no technical information about how to modify Steinberg's process, without inventiveness, to obtain, from the keyboard of the terminal of Steinberg, the display on the terminal screen of alphanumeric thumbnail identifiers, because the thumbnail identifiers of Squilla are not “alphanumeric” identifiers. The identifiers of Squilla are only a check or a mark checked off on a hardcopy of a photographic support (reference, in Squilla: column 4, lines 22-26). The selection of at least one alphanumeric thumbnail identifier amongst said displayed thumbnail identifiers for generating the automatic display of the corresponding images on the terminal screen (i.e.: steps h)-j) as set forth in claim 1 is neither disclosed nor suggested by Steinberg, Squilla, or the combination thereof.

Therefore, the information about non-alphanumeric identifiers such as disclosed by Squilla, wherein visual marks are inserted manually by a customer on a hardcopy index print, cannot be adapted to the process of Steinberg that enables to preview and to adjust one image on a digital cell phone to release a print order. Even if one of the ordinary skill in the art would attempt to combine this information from Squilla with the process of Steinberg, for the reasons stated above, she/he would not have arrived at the process of claim 1, notably the features of steps a), and g)-j).

In conclusion, the electronic process fully carried out on a terminal such as defined in claim 1 cannot be obtained without inventiveness, even in combining the respective teachings of Steinberg and Squilla. In view thereof, it follows that the subject matter of the claims would not have been obvious over Steinberg in view of Squilla at the time the invention was made.

In view of the foregoing remarks, claims 1-3, 5-12 are in condition for allowance, and such favorable action is courteously solicited.

Should the Examiner require anything further to place the application in condition for allowance, it is respectfully requested the Examiner contact Applicants' undersigned representative to discuss the matter.

Respectfully submitted,



Kathleen Neuner Manne
Attorney for Applicant(s)
Registration No. 40,101

KNM:ld
Rochester, NY 14650
Telephone: (585) 722-9225
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.